

**UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF TEXAS,
BEAUMONT DIVISION**

RUSSELL FULLER,	§	
	§	
Plaintiff,	§	
	§	
v.	§	No.
	§	
I.C. SYSTEMS, INC.,	§	
	§	
Defendant.	§	

PLAINTIFF’S COMPLAINT AND DEMAND FOR JURY TRIAL

RUSSELL FULLER (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against I.C. SYSTEMS, INC. (Defendant):

INTRODUCTION

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

6. Plaintiff is a natural person residing in Orange, Orange County, Texas.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a national debt collection company and with an office in St. Paul, Minnesota.

FACTUAL ALLEGATIONS

10. In or around mid January of 2011, Defendant began placing collection calls to Plaintiff in attempt to collect on two medical bills.
11. Defendant calls Plaintiff from 208-758-0230.
12. Defendant places up to five (5) collection calls to Plaintiff in one day.
13. Plaintiff has repeatedly told Defendant that his insurance company was handling the accounts.
14. Plaintiff also told Defendant repeatedly that he will not make payment because the accounts were already paid.
15. In response, Defendant stated that it would not have the accounts if they were paid.
16. On or about February 21, 2011, Plaintiff spoke with Defendant multiple times and informed Defendant that he spoke with the original account holder, who confirmed that there was no balance on either account.
17. Despite Plaintiff's repeated attempts to inform Defendant that the accounts have already been paid, Defendant continued to place collection calls to Plaintiff.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

18. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct of which the natural consequence is the abuse and harassment of the Plaintiff.
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, Plaintiff, RUSSELL FULLER, respectfully requests judgment be entered against Defendant, I.C. SYSTEMS, INC., for the following:

19. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,

20. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*

21. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Michael S. Agruss
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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, RUSSELL FULLER, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

Plaintiff, RUSSELL FULLER, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, RUSSELL FULLER, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

3-2-11
Date

Russell Fuller
RUSSELL FULLER